

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMIE DUANE THOMAS,)
)
)
Petitioner,)
)
)
v.) 1:16-cr-297-1
) 1:23-cv-188
)
)
UNITED STATES OF AMERICA,)
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)
)
Respondent.)

ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on March 15, 2024, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b), (Doc. 53). The Recommendation was served on the parties in this action on March 15, 2024. (Doc. 54.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 53), is **ADOPTED**. **IT IS FURTHER ORDERED** that Respondent's Motion to Dismiss Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, (Doc. 49), is **GRANTED**, and Petitioner's Section 2255 Motion, (Doc. 47), is **DISMISSED** as untimely.

The court further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 27th day of June, 2024.

William L. Osteen, Jr.
United States District Judge